REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

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NOTIFICATION

The following notifications dated the 31st July 1959 of the Government of India are republished for general information.

By order of the Governor,
N. E. S. RAGHAVACHARI,
Chief Secretary to Government.

Government Secretariat,
31st July 1959,
Political & Military (A)

NOTIFICATION

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, the 31st July, 1959.

No. G.S.R. 900. The following Proclamation by the President is published for general information:—

PROCLAMATION

WHEREAS I, Rajendra Prasad, President of India, have received a report from the Governor of the State of Kerala and after considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as "the Constitution");

NOW, THEREFORE, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that I—

(a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

(b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament; and

(c) make the following incidental and consequential provisions which appear to me to be necessary or desirable for giving effect to the objects of this Proclamation, namely,

(i) in the exercise of the functions and powers assumed to myself by virtue of clause (a) of this Proclamation as aforesaid, it shall be lawful for me as President of India to act to such extent as I think fit through the Governor of the said State;

(ii) the operation of the following provisions of the Constitution in relation to that State is hereby suspended namely:—

so much of the proviso to article 3 as relates to the reference by the President to the Legislature of the State;

so much of clause (2) of article 151 as relates to the laying of the reports before the Legislature of the State;

articles 163 and 164, clause (3) of article 166, articles 167 and 169, articles 174 to 186 (both inclusive), clause (3) of article 187 so far as it requires consultation with the Speaker of the Legislative Assembly, articles 188 and 189, articles 193 to 198 (both inclusive), articles 200 and 201, so much of clause (3) of article 202 as relates to salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly, articles 208 to 211 (both inclusive), the proviso to clause (1) and the proviso to clause (3) of article 213;

and so much of clause (2) of article 323 as relates to the laying of the report with a memorandum before the Legislature of the State;

(iii) the Legislative Assembly of the said State is hereby dissolved;

(iv) notwithstanding anything contained in the Constitution or any law for the time being in force, the general election for constituting a new Legislative Assembly for the said State shall be held as soon as possible;

(v) any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the Legislature or Legislative Assembly of the State shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament, and, in particular, the references in article 213 to the Governor and to the Legislature or Legislative Assembly of the State shall be construed as references to the President and to Parliament respectively;

PROVIDED that nothing herein shall affect the provisions of article 153, articles 155 to 159 (both inclusive), article 299 and article 361 and paragraphs 1 to 4 (both inclusive) of the Second Schedule, or prevent the President from acting under sub-clause (i) of this clause to such extent as he thinks fit through the Governor of the said State;

(vi) any reference in the Constitution to Acts or Laws of or made by the Legislature of the State shall be construed as including a reference to Acts or laws made, in exercise of the powers of the Legislature of the State, by Parliament by virtue of this Proclamation, or by the President or other authority referred to in sub-clause (a) of clause (1) of article 357 of the Constitution, and the Interpretation and General Clauses Act (Act VII of 1125), as in force in the State of Kerala, and so much of the General Clauses Act, 1897 (10 of 1897) as applies to State laws, shall have effect in relation to any such Act or law as if it were an Act of the Legislature of the State.

[21|1|59—Pol. II (R)].

RAJENDRA PRASAD
President.

The 31st July, 1959.
6 P. M.

B. N. JHA,
Secretary to the Government of India,

NEW DELHI, dated 31st July, 1959.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 31st July 1959.

No. G.S.R. 901. The following Order made by the President is published for general information:—

ORDER

In pursuance of sub-clause (i) of clause (c) of the Proclamation issued on this the 31st day of July 1959, by the President under article 356 of the Constitution of India, the President is pleased to direct that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State.

RAJENDRA PRASAD,
President.

New Delhi,
The 31st July, 1959.
6 P. M.

B. N. JHA,
Secretary to the Government of India

New Delhi, dated 31st July, 1959.

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